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Remarks

This paper is responsive to the Office Action dated September 1, 2006. Claims 1-3 remain for consideration.

1,2. Claims 1 and 2 are rejected as anticipated by Sato et al (Sato). A rejection for anticipation under 35 U.S.C.S. § 102 requires that "each and every element as set forth in the claim is found...in a single prior art reference" (MPEP 2131). In re Paulsen, 30 F3d 1475, 31 USPQ 2d 1671 (Fed. Cir. 1994).

Enclosed is the Declaration of Robin Jay Guthrie regarding the requirements of claim 1, and the disclosure of Sato. By his education, experience, and inventive achievement, it is clear that Mr. Guthrie is highly qualified in the subject matter of this application.


In paragraph 5, the Declaration establishes as prima facie fact that claim 1 requires that each of two stacks have a manifold accessible from two sides, whereas Sato discloses only a single two-face manifold element. Paragraph 6 of the Declaration establishes as prima facie fact that Sato does not disclose connections between a first face of one manifold and a second face of another as called for in claim 1. Paragraph 7 of the Declaration establishes as prima facie fact that Sato does not teach seals to close off the unused faces as called for in claim 1. Therefore, the prima facie evidence in this case is that Sato does not anticipate, nor suggest, the invention described in claim 1. For the foregoing reasons, reconsideration and allowance of claim 1 and dependent claims 2 and 3 as patentable over Sato is respectfully requested.

Paragraph 7 of the Declaration establishes as prima facie fact that one skilled in the art would not believe that Sato has flexible tubing.

The claims are patentable because the prior art does not teach two manifolds, one for each stack, with plumbing connected from a first face of one to a second face of another, and with the second face of one and the first face of the other each being closed off with a seal.

To save the Examiner considerable time when this case is taken up, a short phone call is recommended should any issue herein still be unresolved. A few minutes on the phone could clarify a point, or result in a supplemental response which would further limit or dispose of issues. A five minute phone call can save the Examiner a lot of work. Such a phone call would be deeply appreciated.

Respectfully submitted,

  
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